

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WAGGONER

Serial No. 09/740,486

Filed: December 19, 2000

Title: CYANINE DYES AS LABELING REAGENTS FOR DETECTION OF BIOLOGICAL  
AND OTHER MATERIALS BY LUMINESCENCE METHODS

Assistant Commissioner for Patents

Washington, DC 20231

Atty Dkt. 4091-2

C# M#

Group Art Unit: 1627

Examiner: Ponnaluri

Date: October 16, 2002

TRADEMARK COPIES

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00  
 Please enter the previously unentered , filed  
 Submission attached

**Subtotal** \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00  
 Applicant claims "small entity" status.  Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 180.00

Assignment Recording Fee (\$40.00) \$ 0.00

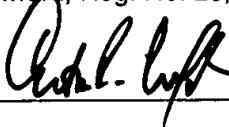
Other: \$ 0.00

**TOTAL FEE ENCLOSED** \$ 180.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
 By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: 

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Atty. Ref.: 4091-2

Group: 1627

Examiner: Ponnaluri

## SETS FOR

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

## **INFORMATION DISCLOSURE STATEMENT**

As suggested by 37 C.F.R. §1.97, the undersigned attorney brings to the attention of the Patent and Trademark Office the references listed on the attached form PTO-1449, a copy of each of which is enclosed. Copies of the documents listed in the attached may be found in application Serial No. 10/103,116 filed March 22, 2002, now pending in Group Art Unit 1627.

The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

Respectfully submitted,

10/17/2002 GWORDOF1 0000045 09740486

01 FC:1806

180.00 RP

**NIXON & VANDERHYE P.C.**

By:

Arthur R. Crawford  
Reg. No. 25,327

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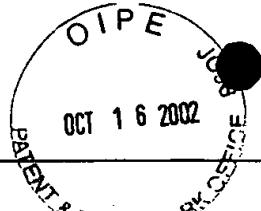
## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	279,524	06/1883	BEATY	607	145	
	484,522	10/1892	McBRIDE			
	600,290	03/1898	MUIR			
	1,967,927	07/1934	DEUSTCH	604	20	
	2,047,308	07/1936	CHAPMAN	128	799	
	2,126,070	08/1938	WAPPLER			
	2,834,344	05/1958	KANAI			
	3,019,787	02/1962	SIMMONS			
	3,048,170	08/1962	LEMOS			
	3,107,672	10/1963	HOFMANN			
	3,163,166	12/1964	BRANT ET AL.			
	3,298,368	01/1967	CHAROS	128	260	
	3,520,297	07/1970	BECHTOLD			
	3,645,260	02/1972	CINOTTI ET AL.			
	3,716,054	02/1973	PORTER ET AL.			
	3,831,598	08/1974	TICE			
	3,848,600	11/1974	RATRICK, JR. ET AL.	128	783	
	4,116,238	09/1978	PETTIJOHN	128	172.1	
	4,211,222	07/1980	TAPPER	128	803	
	4,292,968	10/1981	ELLIS	128	207.21	
	4,301,794	11/1981	TAPPER	604	20	
	4,325,367	04/1982	TAPPER			
	4,383,529	05/1983	WEBSTER			
	4,393,884	07/1983	JACOBS	131	273	
	4,406,658	09/1983	LATTIN ET AL.	604	20	
	4,416,274	11/1983	JACOBSEN ET AL.	128	803	
	4,429,703	02/1984	HABER	131	273	
	4,474,570	10/1984	ARIURA ET AL.	604	20	
	4,510,939	04/1985	BRENMAN ET AL.	128	639	
	4,639,244	01/1987	RIZK ET AL.			
	4,655,229	04/1987	SENSABAUGH, JR. ET AL.	131	273	
	4,665,921	05/1987	TERANISHI ET AL.			
	4,689,039	08/1987	MASAKI			
	4,702,732	10/1987	POWERS ET AL.			
	4,708,716	11/1987	SIBALIS	604	20	
	4,735,217	04/1988	GERTH ET AL.	131	273	
	4,747,819	05/1988	PHIPPS ET AL.			

\*Examiner \_\_\_\_\_ Date Considered \_\_\_\_\_

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,756,318	07/1988	CLEARMAN ET AL.	131	359	
	4,763,660	08/1988	KROLL ET AL.	128	798	
	4,764,164	08/1988	SASAKI	604	20	
	4,767,402	08/1988	KOST ET AL.			
	4,771,796	09/1988	MYER	131	273	
	4,776,353	10/1988	LILJA ET AL.	131	297	
	4,786,278	11/1988	MASAKI	604	20	
	4,787,888	11/1988	FOX			
	4,793,366	12/1988	HILL	131	273	
	4,800,903	01/1989	RAY ET AL.	131	273	
	4,808,152	02/1989	SIBALIS	604	20	
	4,813,437	03/1989	RAY	131	273	
	4,820,263	04/1989	SPEVAK ET AL.	604	20	
	4,821,740	04/1989	TACHIBANA ET AL.	604	20	
	4,838,273	06/1989	CARTMELL	600	392	
	4,865,582	09/1989	SIBALIS	604	20	
	4,907,606	03/1990	LILJA ET AL.	131	273	
	4,913,148	04/1990	DIETHELM			
	4,917,119	04/1990	POTTER ET AL.	131	273	
	4,919,648	04/1990	SIBALIS	604	20	
	4,922,901	05/1990	BROOKS ET AL.	128	203.26	
	4,931,046	06/1990	NEWMAN	604	20	
	4,942,883	07/1990	NEWMAN	604	20	
	4,950,229	08/1990	SAGE, JR.	604	20	
	4,953,565	09/1990	TACHIBANA ET AL.	604	20	
	4,957,480	09/1990	MORENINGS			
	4,979,938	12/1990	STEPHEN ET AL.			
	4,997,418	03/1991	DeMARTINI			
	5,002,527	03/1991	RELLER ET AL.			
	5,006,108	04/1991	LaPRADE	604	20	
	5,019,034	05/1991	WEAVER ET AL.	604	20	
	5,037,381	08/1991	BOCK ET AL.			
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	5,053,001	10/1991	RELLER ET AL.	604	20	
	5,060,671	10/1991	COUNTS ET AL.	131	329	

\*Examiner

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	5,090,402	02/1992	BAZIN ET AL.			
	5,115,805	05/1992	BOMMANNAN ET AL.			
	5,133,352	07/1992	LATHROP ET AL.			
	5,135,478	08/1992	SIBALIS			
	5,135,479	08/1992	SIBALIS ET AL.	604	20	
	5,147,291	09/1992	CUKIER	604	22	
	5,160,316	11/1992	HENLEY	604	20	
	5,162,042	11/1992	GYORY ET AL.			
	5,167,242	12/1992	TURNER ET AL.	131	273	
	5,169,384	12/1992	BOSNIAK ET AL.			
	5,171,215	12/1992	FLANAGAN	604	20	
	5,203,768	04/1993	HAAK ET AL.			
	5,250,022	10/1993	CHIEN ET AL.			
	5,254,081	10/1993	MAURER ET AL.	604	20	
	5,279,543	01/1994	GLIKFELD ET AL.			
	5,284,471	02/1994	SAGE, JR.			
	5,298,017	03/1994	THEEUWES ET AL.			
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	5,312,326	05/1994	MYERS ET AL.			
	5,314,502	05/1994	McNICHOLS ET AL.			
	5,331,979	07/1994	HENLEY			
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	5,360,440	11/1994	ANDERSEN			
	5,362,307	11/1994	GUY ET AL.			
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	5,374,241	12/1994	LLOYD ET AL.			
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	5,391,195	02/1995	VAN GRONINGEN			
	5,395,310	03/1995	UNTEREKER ET AL.			
	5,413,590	05/1995	WILLIAMSON			
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	5,441,936	08/1995	HOUGHTEN ET AL.			
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	5,466,217	11/1995	MYERS ET AL.			
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	5,494,679	02/1996	SAGE, JR. ET AL.			
	5,501,705	03/1996	FAKHRI			
	5,514,167	05/1996	SMITH ET AL.			
	5,538,503	07/1996	HENLEY			
	5,540,669	07/1996	SAGE, JR. ET AL.	604	20	
	5,551,953	09/1996	LATTIN ET AL.			
	5,558,632	09/1996	LLOYD ET AL.			
	5,562,607	10/1996	GYORY			
	5,589,563	12/1996	WARD ET AL.			
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	5,607,461	03/1997	LATHROP			
	5,607,691	03/1997	HALE ET AL.			
	5,618,275	04/1997	BOCK			
	5,658,247	08/1997	HENLEY			
	5,667,487	09/1997	HENLEY			
	5,668,170	09/1997	GYORY			
	5,676,648	10/1997	HENLEY			
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	5,688,233	11/1997	HOFMANN ET AL.			
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	5,711,761	01/1998	UNTEREKER ET AL.			
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	5,725,817	03/1998	MILDER			
	5,733,255	03/1998	DINH ET AL.			
	5,755,750	05/1998	PETRUSKA ET AL.			
	5,788,666	08/1998	ATANASOSKA			
	5,794,774	08/1998	PORCELLI			
	5,795,321	08/1998	McARTHUR ET AL.			
	5,797,867	08/1998	GUERRARA ET AL.			
	5,830,175	11/1998	FLOWER			
	5,840,057	11/1998	ALOISI			

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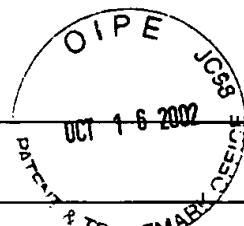
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## FOREIGN PATENT DOCUMENTS

TRANSLATION

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
OE 0,232,642	03/1964	AT	604	20		
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FR 1,445,703	06/1966	FR	604	20		
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GB 0,299,553	11/1928	GB	604	20		
EP 0230749	08/1987	EPO	604	20		
EP 0309093 A1	03/1989	EPO	604	20		
3-170172	07/1991	JP				X
WO 90/06153	06/1990	PCT			X	
SU654254	03/1979	U.S.S.R.				X
SU931191	05/1982	U.S.S.R.				X
SU1003853	03/1983	U.S.S.R.				X
08571	08/1990	WIPO	604	20		X
03790	03/1993	WIPO	604	20		
07269	12/1986	WIPO	604	20		

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	"Iontophoretic Treatment of Oral Herpes," Henley et al., Laryngoscope, Vol. 94, No. 1, pp. 118-121, January 1984
	"Iontophoretic Application of Idoxuridine for Recurrent Herpes Labialis: Report of Preliminary Chemical Trials," Gangarosa et al.; Meth. And Find. Exptl. Clin. Pharmacol. 1(2), pp. 105-109 (1979)
	"Iontophoresis of Vidarabine Monophosphate for Herpes Orolabialis," Gangarosa et al.; The Journal of Infectious Diseases, Vol. 154, No. 6, pp. 930-934, December 1986
	"The Natural History of Recurrent Herpes Simplex Labialis," Spruance et al.; The New England Journal of Medicine, Vol. 297, No. 2, pp. 69-75, July 14, 1977
	"Infection with Herpes-Simplex Viruses 1 and 2," Nahmias et al.; The New England Journal of Medicine, pp. 667-674, September 27, 1973
	"Anesthesia of the Human Tympanic Membrane by Iontophoresis of a Local Anesthetic," Comeau et al.; The Laryngoscope, 88:1978, pp. 277-285
	"Iontophoretic Application of Drugs," Waud, J. Appl. Physiol. 23(1), 1967, pp. 128-130
	"Antibiotic Iontophoresis in the Treatment of Ear Chondritis," LaForest et al., Physical Therapy, Vol. 58, No. 1, January 1978, pp. 32-34
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	"Iontophoretic Application of Antiviral Chemotherapeutic Agents," Hill et al., Annals New York Academy of Sciences, pp. 604-612
	"Ocular Iontophoresis," Hill et al. Paper, Louisiana State University Medical Center, School of Medicine, New Orleans, Louisiana, pp. 331-354

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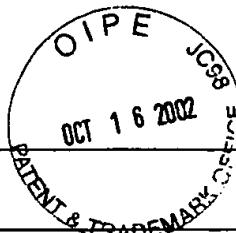
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<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)</b>			
<p><i>"Iontophoretic Application of Adenine Arabinoside Monophosphate to Herpes Simplex Virus Type 1-Infected Hairless Mouse Skin," Park et al.; Antimicrobial Agents and Chemotherapy, Vol. 14, No. 4, Oct., 1978, pp. 605-608</i></p> <p><i>"Iontophoresis: Applications in Transdermal Medication Delivery," Costello et al.; Physical Therapy, Vol. 75, No. 6, pp. 104/554-113/563, June 1995</i></p> <p><i>"Physical Enhancement of Dermatologic Drug Delivery: Iontophoresis and Phonophoresis, Kassan et al., Journal of the American Academy of Dermatology, April 1996, pp. 657-666</i></p> <p><i>"Iontophoresis and Herpes Labialis," Boxhall et al.; The Medical Journal of Australia, May 26, 1984, pp. 686-687</i></p> <p><i>"Iontophoresis: A Method of Antibiotic Administration in the Burn Patient," Rapperport et al., Plastic and Reconstructive Surgery, 1965, Vol. 36, No. 5, pp. 547-552</i></p> <p><i>"Iontophoresis for Enhancing Penetration of Dermatologic and Antiviral Drugs," Gangarosa et al., Journal of Dermatology, Vol. 22, No. 11, pp. 865-875, November 1995</i></p> <p><i>"Iontophoretic Treatment of Herpetic Whitlow," Gangarosa et al., Arch. Phys. Med. Rehabil., Vol. 70, pp. 336-340 April 1989</i></p> <p><i>"Iontophoretic Application of Antiviral Drugs," Gangarosa et al., Proceedings of an International Symposium held in Tokushima City, Japan, pp. 201-204, July 27-30, 1981</i></p> <p><i>"Iontophoretic Application of Adenine Arabinoside Monophosphate for the Treatment of Herpes Simplex Virus Type 2 Skin Infections in Hairless Mice," Gangarosa, The Journal of Infectious Diseases, Vol. 140, No. 6, pp. 1014, December 1979</i></p> <p><i>"Effect of Iontophoretic and Topical Application of Antiviral Agents in Treatment of Experimental HSV-1 Keratitis in Rabbits," Kwon et al., Investigative Ophthalmology &amp; Visual Science, Vol. 18, No. 9, pp. 984-988, September, 1979</i></p> <p><i>"Acyclovir and Vidarabine Monophosphate: Comparison of Iontophoretic and Intravenous Administration for the Treatment of HSV-1 Stromal Keratitis," Hill et al., The American Journal of Medicine, Acyclovir Symposium, pp. 300-304</i></p> <p><i>"Thymine Arabinoside (Ara-T) Topical and Iontophoretic Applications for Herpes Simplex Virus Type 1 and Type 2 Skin Infections in Hairless Mice," Hill et al., Meth. And Find. Exptl. Clin. Pharmacol. 6(1), pp. 17-20, 1984</i></p> <p><i>"Iontophoresis Enhances the Transport of Acyclovir Through Nude Mouse Skin by Electorepulsion and Electroosmosis," Volpato et al., Pharmaceutical Research, Vol. 12, No. 11, pp. 1623-1627, 1995</i></p> <p><i>"Early Application of Topical 15% Idoxuridine in Dimethyl Sulfoxide Shortens the Course of Herpes Simplex Labialis: A Multicenter Placebo-Controlled Trial," Spruance et al., The Journal of Infectious Diseases, 1990; Vol. 161; pp. 191-197</i></p> <p><i>"Iontophoresis for Surface Local Anesthesia," Gangarosa, JADA, Vol. 88, pp. 125-128, January 1974</i></p> <p><i>"Conductivity of Drugs Used for Iontophoresis," Gangarosa et al., Journal of Pharmaceutical Sciences, Vol. 67, No. 10, pp. 1439-1443, October, 1978</i></p> <p><i>"A Pilot Study of Iontophoretic Cisplatin Chemotherapy of Basal and Squamous Cell Carcinomas of the Skin," Chang et al., Arch. Dermatol., Vol. 129, pp. 425-427, April 1993</i></p> <p><i>"How Modern Iontophoresis Can Improve Your Practice," Gangarosa et al., (Quintessence International) Oral Surgery, No. 10, Report 2135, October 1982, pp. 1027-1038</i></p> <p><i>"Postherpetic Neuralgia," Baron et al., Brain (1993), 116, pp. 1477-1496</i></p>			
*Examiner		Date Considered	

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## OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

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\*Examiner \_\_\_\_\_ Date Considered \_\_\_\_\_

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